it was some 4 to 5 feet on the bitumen. I cannot accept this proposition in the light of all the surrounding circumstances. It is not the case of a car being stationary and leaving some 4 to 5 feet of it on the bitumen. It is the case of a moving vehicle trying to turn right in the path of an on-coming motor-cycle and intending to enter a lane to a house. The plaintiff saw the motor-vehicle swerving into his path. Perplexed by being exposed to the danger created by the defendant he also swerved to his right in an attempt to avoid the accident but failed. To my mind, when a plaintiff is perplexed or agitated when exposed to danger by the wrongful act of a defendant, it is sufficient if he shows as much judgment and control in attempting to avoid the accident as may reasonably be expected of him in the circumstances. To that extent I am satisfied that the plaintiff had so acted in the circumstances. What is done or omitted to be done in the agony of the moment cannot be fairly treated as negligence. I therefore hold that there is no contributory negligence on the part of the plaintiffs.

The only point to consider now is general damages as claimed by the first plaintiff. He was admitted to hospital for eleven days' suffering from laceration of the scalp 2 inches long and bleeding from right ear. Having considered the authorities, I would assess general damages at $1.000. There will be the usual costs to the plaintiffs.

Judgments for the plaintiffs.

Solicitors: *Murphy & Dunbar; Shearn Delamore & Co.*

KHAW KAI-BOH v. STRAITS ECHO PRESS & ANOR.

[O.C.J. (Ong Hock Thye F.J.) February 9, 1966]

[K.L. — Civil Suit No. 1430 of 1965]

Libel — Newspaper article — Publication of apology in newspaper — Discontinuance of action.

Newspaper — Free press — Responsibilities of.

Constitutional law — Fundamental rights — Independent judiciary.

The defendants in this case published a statement in their newspaper which was alleged to be libellous of the plaintiff. The next day they published an apology and beyond the necessary formal step of entering appearance to the writ, they took no further action to justify or defend their action.

Held: in the circumstances of the case and in view of the conduct of the defendants an order would be made for the discontinuance of the action.

CIVIL SUIT.

Ralph Hoffman for the plaintiff.

Eusoffe Abdoolcader for the defendants.

Ong Hock Thye F.J.: The defendants published an apology the day after the statement complained of appeared in their paper, and, beyond the necessary formal step of entering appearance to the writ, the defendants have taken no further step in attempting to justify or defend what is indefensible. A free press in a democratic society has certain responsibilities. The conduct of the defendants plainly shows their awareness of such responsibilities. Today's proceedings are the culmination of an *amende honourable* and I must give due credit to the defendants for doing what is just and proper.

This case points a moral — that persons in all walks of life may confidently expect equal justice from an indepedent Judiciary, pledged to maintain the Rule of Law. Every person in the land, from the humblest to the most exalted, has a right to expect the same protection by the courts of his fundamental and civil rights. He is entitled to no less, he can claim no more. The plaintiff is a Cabinet Minister and he has shown his faith in the Judiciary by seeking redress for a wrong through the ordinary process of a court of law. I now make an order for discontinuance of this action.

Order accordingly.

Solicitors: *Allen & Gledhill; Presgrave & Matthews.*